

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Review by	)	
	)	
St. John's School	)	File No. SLD-246240
Wahpeton, North Dakota	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**ORDER**

**Adopted: April 21, 2005**

**Released: April 22, 2005**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by St. John's School, Wahpeton, North Dakota (St. John's).<sup>1</sup> The Request seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) regarding the timeliness of the filing of its application for support. Consistent with precedent, we deny the Request for Review.

2. St. John's did not receive funding for Funding Year 2001 because SLD held that St. John's completed FCC Form 471 application had not been postmarked prior to January 18, 2001, the closing date of the Funding Year 2001 filing window.<sup>2</sup> St. John's states that its application was signed and mailed on January 16, 2001 from the Wahpeton, North Dakota post office.<sup>3</sup> SLD's records, however, contain a photocopy of an envelope with St. John's return address that is postmarked January 23, 2001 at the Fargo, North Dakota post office.

3. Consistent with precedent, we deny the Request for Review. The Commission's rules allow the Administrator to implement an initial filing period for the FCC Form 471 applications that treats all schools and libraries filing within that period as if their applications were simultaneously received.<sup>4</sup> We have strictly and consistently enforced the filing window deadlines for FCC Form 471 applications.<sup>5</sup> Allowing

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<sup>1</sup>Letter from Wilfred Sauer, St. John's School, to Federal Communications Commission, filed March 5, 2002 (Request for Review). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. *See* 47 C.F.R. § 54.719(c).

<sup>2</sup>*See* Request for Review at 1.

<sup>3</sup>*See* Request for Review at 1.

<sup>4</sup>Section 54.507(c) of the Commission's rules states that fund discounts will be available on a first-come-first-served basis. Applications that are received outside of this filing window are subject to separate funding priorities under the Commission's rules. 47 C.F.R. § 54.507(c) and (g).

<sup>5</sup>*See e.g., Request for Review by Information Technology Department State of North Dakota, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-245592, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 7383, 7389, para. 13 (Wireline Comp. Bur. 2002); *Request for Review by South Barber Unified School District, Federal-State Joint Board on Universal Service, Changes*

applicants to file incomplete or late applications, and have those applications considered timely, would be unfair to the applicants who diligently filed their complete applications in a timely fashion.<sup>6</sup> Because we find that St. John's FCC Form 471 application was filed outside of the window, we deny its Request for Review.

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by St. John's School, Wahpeton, North Dakota on March 5, 2002, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Vickie S. Robinson  
Deputy Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau

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*to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-158897, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 18435, 18437-38, para. 7 (Com. Car. Bur. 2001).

<sup>6</sup>SLD processed Funding Year 2001 applications as "in window" if they were postmarked by January 18, 2001. See SLD website, Form 471 Minimum Processing Standards and Filing Requirements for Funding Year 4, <<http://www.sl.universalservice.org/reference/471mps.asp>> (Funding Year 4 Minimum Processing Standards). In prior years, Funding Year 2001 was referred to as "Funding Year 4".